

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

TERA BLACK,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-321-KEW
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	

OPINION AND ORDER

This matter comes before the Court on Claimant's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (Docket Entry #21). By Order and Opinion entered March 30, 2015, this Court reversed the decision of the Commissioner to deny Claimant's applications for disability insurance benefits under Title II of the Social Security Act and for supplemental security income under Title XVI of the Social Security Act and remanded the case for further proceedings.

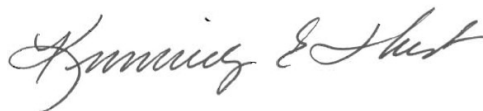
In the Motion, Claimant seeks attorney's fees for 39.40 hours of time expended by her attorney at the stipulated fee rates and 1.90 hours of time expended by her attorney's paralegal for a total request of \$7,662.10 under the authority of the Equal Access to Justice Act ("EAJA"). Claimant also requests reimbursement for expenses of \$400.00 for the filing fee. The Commissioner contests the reasonableness of the request, contending Claimant should only be awarded \$7,000.00 and the filing fee of \$400.00. The Commissioner contends the request is excessive in the review of the

medical history and should be reduced from 7 hours to 3.5 hours, citing to cases which seek to establish a reasonable range for fees in the representation of a Social Security claimant. This Court declines to engage in blatant micro management of the time expended in the review of the medical history unless the time is obviously excessive. It is not in this case. No reduction is warranted.

Claimant also requests in her reply that an additional \$188.00 be assessed in attorney's fees in the preparation of the reply brief in defending her fee application. Defendant did not respond to the request and, therefore, it is confessed.

IT IS THEREFORE ORDERED that Claimant's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (Docket Entry #21) is hereby **GRANTED** and that the Government be ordered to pay Claimant's attorney's fees in the total amount of \$7,850.10 and costs in the amount of \$400.00. In accordance with the ruling of the Tenth Circuit Court of Appeals, the award shall be made to Plaintiff as the prevailing party and not directly to Plaintiff's counsel. Manning v. Astrue, 510 F.3d 1246, 1255 (10th Cir. 2007); 28 U.S.C. § 2412(b). In addition, should Plaintiff's counsel ultimately be awarded attorney's fees pursuant to 42 U.S.C. § 406(b)(1), counsel shall refund the smaller amount to Plaintiff. Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 3rd day of May, 2016.



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE